

REMARKS

No claims have been amended and no claims have been canceled in this paper. Applicants ask the examiner to kindly enter this paper, and after entry on the record, claims 1, 2, 7-10, 15, 18, 22, 24-31, 36-39, 44, 47, 51, and 53-58 will be pending in the application.

Applicants have carefully reviewed the arguments presented in the final Office Action and respectfully request reconsideration of the claims in view of the remarks below.

Second Rule 1.132 Declaration of Co-Inventor Sarah Lipman

The examiner in the present final Office action made statements under the caption “Official notice of Lambertian surfaces” and conclusions about Lambertian surfaces set forth on pages 3-6. To address these statements, applicants submit herewith for the examiner’s consideration a second Rule 1.132 declaration of co-inventor Sarah Lipman.

As explained in detail in the attached declaration, applicants understanding of a Lambertian surface is that it reflects light externally away from itself, as exemplified by the Nayar reference (U.S. Patent Application Publication No. 2004/0070565) cited by the examiner. Applicants’ reference to a Lambertian surface in the pending specification was for one alternative embodiment wherein a Lambertian surface is position in propinquity to a non-Lambertian surface, wherein the former reflects and passes light into the latter, to be “scattered” within to a detector at the panel edge. Thus, applicants’ use of the term “scatter” was intended to explain the concept of light scattering within the claimed display panel, in contrast with a Lambertian surface’s tendency to reflect and “scatter” light away from its surface. These are two different phenomena, and applicants regret any confusion that might have been created.

Rejections under 35 U.S.C. § 103

The examiner rejected claims 1-2, 7-9, 15, 18, 22, 24-27, 29-31, 36-38, 44, 47, 51, 53-56, and 58 under 35 U.S.C. § 103(a) as being unpatentable over Oikawa et al. (U.S. Patent No. 4,320,292) in view of Lipman et al. (WO 03/104965). This rejection is respectfully traversed.

The examiner concedes that Oikawa fails to expressly teach an output usable to determine said variable distance and said variable angle. The examiner then combines the teaching of Oikawa with Lipman, and then concedes the combination fails to expressly teach a panel without an optical guide and scattering particles therein. The examiner then takes judicial notice that “Lambertian surfaces are typically used [to] provide a scattering effect.” Applicants respectfully disagree, because the scattering of a Lambertian surface occurs at the surface, not within the panel as claimed by applicants.

As stated in the attached Rule 1.132 declaration of co-inventor Lipman at paragraphs 5-7 (emphasis added):

A Lambertian surface in an idealized state, describes an ideally diffusely reflecting surface which reflects light falling upon it in such a generally equal manner in every direction. Whereas a non-Lambertian surface (for example, a glossy, polished table) will vary in its observed brightness depending on the angle of the viewer or sensor (for example, usually the highest level of reflectance is at the normal, with the level of reflective brightness decreasing as one moves the observation/measurement point toward the parallel to the surface); a surface exhibiting Lambertian reflectance will appear to reflect light equally in all directions of angle from the surface.

Typically (although this is not a required feature of a Lambertian surface), Lambertian reflectance behavior is achieved on a rough (not polished or shiny) surface, which serves to diffuse the light more evenly. For example, SPECTRALON® (a fluoropolymer sold by Labsphere) is considered to be the material with the highest diffuse reflectance known, with a reflectance of 98-99%.

The type of “scattering” discussed in the context of Lambertian surfaces describes the diffusion and reflection of the light *from the surface*

and away from it. Therefore, Lambertian characteristics pertain only to light reflected away from the surface material and *not those propagated within it.* In contrast, applicant's claimed invention uses "scattering" in the context of a surface material propagating light within itself.

Even if it were proper to make the substitution, if the Lambertian surface were substituted for the Oikawa optical guide as the examiner suggests, the Lambertian surface would "scatter" light away from the surface, and would not be propagating or scattering that light within the panel. So the references as modified or in combination still do not teach, from claim 1, "said panel being operative to attenuate said electromagnetic radiation *passing therethrough* to said at least one edge" (emphasis added). Similar language is recited in independent claim 30.

Indeed, as set forth in paragraph 12 of the attached Rule 1.132 declaration,

[A] Lambertian surface is not substitutable physically or phenomenologically for applicants' "panel without an optical guide and scattering particles within." The results obtained by providing a Lambertian surface in place of a "panel without an optical guide and scattering particles" would not provide predictable results regarding variable distance and variable angle of the beam of light emitted by the beam emitter.

Therefore, not all claim elements are taught by the cited references, and the modification of the cited references do not produce a predictable result according to a person having ordinary skill in the art. Applicants respectfully contend that the rejected claims are not obvious in view of the cited art.

The examiner rejected claims 10, 28, 39 and 57 under 35 U.S.C. § 103(a) as being unpatentable over Oikawa in view of Lipman and further in view of Applicant Admitted Prior Art (hereinafter referred to as "AAPA"). This rejection is respectfully traversed.

Applicants respectfully disagree with the examiner's paraphrase on page 2 of the final Office action defining the AAPA. Rather, if applicants have provided any

description of the prior art, applicants rely on what was expressly stated in the Rule 1.132 Declaration of Sarah Lipman filed on November 2, 2010.

Applicants rely on the arguments posited above in connection with the rejection of independent claims 1 and 30. The examiner's AAPA add nothing to the teachings of the cited references that would affect patentability of claims 1 and 30. The dependent claims rejected here as with their base independent claims are patentable over the cited reference individually or in combination.

Applicants respectfully disagree with the other rejections not specifically addressed in this paper. Applicants have reviewed the art cited but not relied upon and respectfully submits that the present invention is patentable over that art individually or in combination.

The Commissioner is authorized to charge Deposit Account No. 50-2542 for any unforeseen fees arising in connection with the filing of this paper. Applicants further invite the examiner to contact the undersigned for any questions arising from this reply.

Respectfully submitted,

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